

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 896**  
**97TH GENERAL ASSEMBLY**

6124H.04C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal section 49.272, RSMo, and sections 1 to 21 of an act of the general assembly of the state of Missouri approved on February 26, 1885, Laws of Missouri, pages 116 to 120, sections 1 to 11 of an act of the general assembly of the state of Missouri approved on February 26, 1885, Laws of Missouri, pages 131 and 132, and sections 1 to 10 of an act of the general assembly of the state of Missouri approved on February 26, 1885, Laws of Missouri, pages 134 and 135, and to enact in lieu thereof four new sections relating to county governance, with a penalty provision.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 49.272, RSMo, and sections 1 to 21 of an act of the general assembly of the state of Missouri approved on February 26, 1885, Laws of Missouri, pages 116 to 120, are repealed and four new sections enacted in lieu thereof, to be known as sections 49.272, 67.585, 67.587, and 67.1367, to read as follows:

49.272. The county commission of any county of the first classification without a charter form of government and with more than one hundred thirty-five thousand four hundred but less than one hundred thirty-five thousand five hundred inhabitants, [and in] any county of the first classification without a charter form of government having a population of at least eighty-two thousand inhabitants, but less than eighty-two thousand one hundred inhabitants, any county of the first classification with more than one hundred four thousand six hundred but fewer than one hundred four thousand seven hundred inhabitants, any county of the first classification with more than one hundred ninety-eight thousand but fewer than one hundred ninety-nine thousand two hundred inhabitants, [and] any county of the first classification with more than two hundred forty thousand three hundred but less than two hundred forty thousand four hundred inhabitants, **and**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

11 any county of the first classification with more than eighty-three thousand but fewer than  
12 ninety-two thousand inhabitants and with a home rule city with more than seventy-six  
13 thousand but fewer than ninety-one thousand inhabitants as the county seat, which has an  
14 appointed county counselor and which adopts or has adopted rules, regulations or ordinances  
15 under authority of a statute which prescribes or authorizes a violation of such rules, regulations  
16 or ordinances to be a misdemeanor punishable as provided by law, may by rule, regulation or  
17 ordinance impose a civil fine not to exceed one thousand dollars for each violation. Any fines  
18 imposed and collected under such rules, regulations or ordinances shall be payable to the county  
19 general fund to be used to pay for the cost of enforcement of such rules, regulations or  
20 ordinances.

67.585. 1. The governing body of any county of the first classification with more  
2 than two hundred thousand but fewer than two hundred sixty thousand inhabitants,  
3 through the creation of a recreational and community center district which shall include  
4 only the area encompassed by the portion of a school district located within that county  
5 having an average daily attendance for the 2012-2013 school year between eleven thousand  
6 and twelve thousand students and any public park located wholly or partially within that  
7 portion of the school district, upon voter approval as outlined in subsections 2 and 3 of this  
8 section, shall impose, by order or ordinance, a sales tax on all retail sales made within the  
9 recreational and community center district which are subject to sales tax under chapter  
10 144. The tax authorized in this section shall not exceed one half of one percent and shall  
11 be imposed for the purpose of funding the construction, maintenance, and operation of and  
12 the purchase of equipment for community centers and other purposes of recreation and  
13 wellness as determined by the board which is established in subsection 8 of this section.  
14 The tax authorized in this section shall be in addition to all other sales taxes imposed by  
15 law and shall be stated separately from all other charges and taxes.

16 2. (1) No such order or ordinance adopted under subsection 1 of this section shall  
17 become effective unless the governing body of the county submits to the voters residing  
18 within the recreational and community center district on any date available for elections  
19 in the county, a proposal to authorize the governing body of the county to impose a tax  
20 under this section; or

21 (2) If the governing body of the county receives a petition signed by ten percent of  
22 the registered voters of the county within the recreational and community center district  
23 who voted in the last gubernatorial election calling for an election to impose a tax under  
24 this section, the governing body shall submit to the voters of the county within the  
25 recreational and community center district on any date available for elections in the

26 county, a proposal to authorize the governing body of the county to impose a tax under this  
27 section; or

28 (3) If the governing body of a special charter city with more than twenty-nine  
29 thousand but fewer than thirty-two thousand inhabitants, and a governing body of a home  
30 rule city with more than four hundred thousand inhabitants and located in more than one  
31 county, jointly request, the governing body of the county shall submit to the voters of the  
32 county within the recreational and community center district on any date available for  
33 elections in the county a proposal to authorize the governing body of the county to impose  
34 a tax under this section.

35

36 All costs associated with placing such a question to the voters within the recreational and  
37 community center district shall be borne by the cities referenced in subdivision (3) of  
38 subsection 2 of this section. If such tax is authorized by the voters of the recreational and  
39 community center district, the cost may be reimbursed to such cities upon implementation  
40 of the tax.

41 3. The ballot of submission shall contain, but need not be limited to, the following  
42 language:

43 Shall the county of ..... (county's name) impose a sales tax of ..... (insert amount)  
44 within the boundaries of the ..... (insert name) school district for the purpose of funding  
45 the construction, repair, improvement, maintenance, and operation of and purchase of  
46 equipment for community centers and other recreational facilities and programs?

47

48 If a majority of the votes cast on the question by the qualified voters voting thereon are in  
49 favor of the question, then the tax shall become effective on the first day of the second  
50 calendar quarter. If a majority of the votes cast on the question by the qualified voters  
51 voting thereon are opposed to the question, then the tax shall not become effective unless  
52 and until the question is resubmitted under this section to the qualified voters and such  
53 question is approved by the requisite majority of the qualified voters voting on the  
54 question. In no event shall a proposal under this section be submitted to the voters sooner  
55 than twelve months from the date of the last proposal under this section.

56 4. Except as modified in this section, all provisions of sections 32.085 and 32.087  
57 shall apply to the tax imposed under this section.

58 5. All revenue collected under this section by the director of the department of  
59 revenue on behalf of any county, except for one percent for the cost of collection which  
60 shall be deposited in the state's general revenue fund after payment of premiums for surety  
61 bonds as provided in section 32.087, shall be deposited in a special trust fund, which is

62 hereby created and shall be known as the "Recreational and Community Center District  
63 Sales Tax Trust Fund", and shall be used solely for the designated purposes. Moneys in  
64 the fund shall not be deemed to be state funds and shall not be commingled with any funds  
65 of the state. The director may make refunds from the amounts in the fund and credited  
66 to the county for erroneous payments and overpayments made and may redeem  
67 dishonored checks and drafts deposited to the credit of such county.

68 6. A question of repeal of the sales tax authorized in this section shall be submitted  
69 to the voters on any date available for elections in the county, of the recreational and  
70 community center district by the governing body of any county that has adopted the sales  
71 tax authorized in this section if:

72 (1) The board authorized in subsection 8 of this section requests such; or

73 (2) A petition signed by a number of registered voters of the county within the  
74 recreational and community center district equal to at least ten percent of the number of  
75 registered voters of the county within the recreational and community center district voting  
76 in the last gubernatorial election is received requesting such.

77

78 If a two-thirds majority of the votes cast on the question by the qualified voters voting  
79 thereon are in favor of the repeal, that repeal shall become effective on December  
80 thirty-first of the calendar year in which such repeal was approved. If less than a  
81 two-thirds majority of the votes cast on the question by the qualified voters voting thereon  
82 are in favor of the repeal, then the sales tax authorized in this section shall remain effective  
83 until the question is resubmitted under this section to the qualified voters. In no event shall  
84 a proposal under this section be submitted to the voters sooner than twelve months from  
85 the date of the last proposal under this section. No tax imposed pursuant to this section for  
86 the purpose of retiring bonds, as authorized in subsection 8 in this section, may be  
87 terminated until all such bonds have been retired.

88 7. If the tax is repealed or terminated by any means, all funds remaining in the  
89 special trust fund shall continue to be used solely for the designated purposes, and the  
90 county shall notify the director of the department of revenue of the action at least ninety  
91 days before the effective date of the repeal, and the director may order retention in the  
92 trust fund, for a period of one year, of two percent of the amount collected after receipt of  
93 such notice to cover possible refunds or overpayment of the tax and to redeem dishonored  
94 checks and drafts deposited to the credit of such accounts. After one year has elapsed after  
95 the effective date of abolition of the tax in such county, the director shall remit the balance  
96 in the account to the county and close the account of that county. The director shall notify

97 each county of each instance of any amount refunded or any check redeemed from receipts  
98 due to the county.

99 8. A board shall be established to administer the powers and duties as provided in  
100 this section. The board may issue debt for the district as authorized under section 67.798.  
101 All board members shall be residents of the recreational and community center district.  
102 The board shall consist of eight members as follows:

103 (1) Four members appointed by the mayor of a home rule city with more than four  
104 hundred thousand inhabitants and located in more than one county, with two of the first  
105 members appointed for a two-year term and the other two members appointed for a  
106 four-year term. Thereafter, each appointment shall be for a four-year term;

107 (2) Four members appointed by the mayor of a special charter city with more than  
108 twenty-nine thousand but fewer than thirty-two thousand inhabitants, with two of the first  
109 members appointed for a two-year term and the other two members appointed for a  
110 four-year term. Thereafter, each appointment shall be for a four-year term;

111

112 A board member may be removed by the mayor who appointed him or her, at any time  
113 during his or her term, for reasons of excessive absence at regularly scheduled board  
114 meetings. The mayor shall appoint a replacement member to serve for the remainder of  
115 the current term. No member may serve more than two full terms. A partial term shall  
116 not be considered a term.

67.587. 1. The governing body of any county of the third classification without a  
2 township form of government and with more than eighteen thousand but fewer than  
3 twenty thousand inhabitants and with a city of the fourth classification with more than  
4 three thousand but fewer than three thousand seven hundred inhabitants as the county  
5 seat may impose, by order or ordinance, a sales tax on all retail sales made within the  
6 county which are subject to sales tax under chapter 144. The tax authorized in this section  
7 shall be equal to one-half of one percent, and shall be imposed solely for the purpose of  
8 improving transportation infrastructure in such county. The tax authorized in this section  
9 shall be in addition to all other sales taxes imposed by law, and shall be stated separately  
10 from all other charges and taxes. The order or ordinance shall not become effective unless  
11 the governing body of the county submits to the voters residing within the county at a state  
12 general, primary, or special election a proposal to authorize the governing body of the  
13 county to impose a tax under this section.

14 2. The ballot of submission for the tax authorized in this section shall be in  
15 substantially the following form:

19 ☐ YES ☐ NO

40           4. On or after the effective date of the tax, the director of revenue shall be  
41 responsible for the administration, collection, enforcement, and operation of the tax, and  
42 sections 32.085 and 32.087 shall apply. In order to permit sellers required to collect and  
43 report the sales tax to collect the amount required to be reported and remitted, but not to  
44 change the requirements of reporting or remitting the tax, or to serve as a levy of the tax,  
45 and in order to avoid fractions of pennies, the governing body of the county may authorize  
46 the use of a bracket system similar to that authorized in section 144.285, and  
47 notwithstanding the provisions of that section, this new bracket system shall be used where  
48 this tax is imposed and shall apply to all taxable transactions. Beginning with the effective  
49 date of the tax, every retailer in the county shall add the sales tax to the sale price, and this  
50 tax shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at

51 law in the same manner as the purchase price. For purposes of this section, all retail sales  
52 shall be deemed to be consummated at the place of business of the retailer.

53       5. All applicable provisions in sections 144.010 to 144.525, governing the state sales  
54 tax, and section 32.057, the uniform confidentiality provision, shall apply to the collection  
55 of the tax, and all exemptions granted to agencies of government, organizations, and  
56 persons under sections 144.010 to 144.525 are hereby made applicable to the imposition  
57 and collection of the tax. The same sales tax permit, exemption certificate, and retail  
58 certificate required by sections 144.010 to 144.525 for the administration and collection of  
59 the state sales tax shall satisfy the requirements of this section, and no additional permit  
60 or exemption certificate or retail certificate shall be required; except that, the director of  
61 revenue may prescribe a form of exemption certificate for an exemption from the tax. All  
62 discounts allowed the retailer under the state sales tax for the collection of and for payment  
63 of taxes are hereby allowed and made applicable to the tax. The penalties for violations  
64 provided in section 32.057 and sections 144.010 to 144.525 are hereby made applicable to  
65 violations of this section. If any person is delinquent in the payment of the amount  
66 required to be paid under this section, or in the event a determination has been made  
67 against the person for taxes and penalty under this section, the limitation for bringing suit  
68 for the collection of the delinquent tax and penalty shall be the same as that provided in  
69 sections 144.010 to 144.525.

70       6. The governing body of any county that has adopted the sales tax authorized in  
71 this section may submit the question of repeal of the tax to the voters on any date available  
72 for elections for the county and shall submit such question at least every four years. The  
73 ballot of submission shall be in substantially the following form:

74       Shall ..... (insert the name of the political subdivision) repeal the sales tax  
75 imposed at a rate of ..... (insert rate of percent) percent for the purpose of funding  
76 improvements to transportation infrastructure?

77                               ☐ YES                               ☐ NO

78 If you are in favor of the question, place an "X" in the box opposite "YES". If you are  
79 opposed to the question, place an "X" in the box opposite "NO".

80 If a majority of the votes cast on the question by the qualified voters voting thereon are in  
81 favor of repeal, that repeal shall become effective on December thirty-first of the calendar  
82 year in which such repeal was approved.

83 If a majority of the votes cast on the question by the qualified voters voting thereon are  
84 opposed to the repeal, then the sales tax authorized in this section shall remain effective  
85 until the question is resubmitted under this section to the qualified voters and the repeal  
86 is approved by a majority of the qualified voters voting on the question.

87           7. If the tax is repealed or terminated by any means, all funds remaining in the  
88 special trust fund shall continue to be used solely for the designated purposes, and the  
89 county shall notify the director of the department of revenue of the action at least thirty  
90 days before the effective date of the repeal and the director may order retention in the trust  
91 fund, for a period of one year, of two percent of the amount collected after receipt of such  
92 notice to cover possible refunds or overpayment of the tax and to redeem dishonored  
93 checks and drafts deposited to the credit of such accounts. After one year has elapsed after  
94 the effective date of abolition of the tax in such county, the director shall remit the balance  
95 in the account to the county and close the account of that county. The director shall notify  
96 each county of each instance of any amount refunded or any check redeemed from receipts  
97 due the county.

          67.1367. 1. The governing body of any county of the third classification without a  
2 township form of government and with more than eighteen thousand but fewer than  
3 twenty thousand inhabitants and with a city of the fourth classification with more than  
4 eight thousand but fewer than nine thousand inhabitants as the county seat may impose  
5 a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels  
6 situated in the county or a portion thereof, which shall be no more than six percent per  
7 occupied room per night, except that such tax shall not become effective unless the  
8 governing body of the county submits to the voters of the county at a state general or  
9 primary election, a proposal to authorize the governing body of the county to impose a tax  
10 pursuant to this section. The tax authorized by this section shall be in addition to the  
11 charge for the sleeping room and shall be in addition to any and all taxes imposed by law  
12 and the proceeds of such tax shall be used by the county solely for the promotion of  
13 tourism. Such tax shall be stated separately from all other charges and taxes.

14           2. The ballot of submission for the tax authorized in this section shall be in  
15 substantially the following form:

16           Shall ..... (insert the name of the county) impose a tax on the charges for all  
17 sleeping rooms paid by the transient guests of hotels and motels situated in ..... (name  
18 of county) at a rate of ..... (insert rate of percent) percent for the sole purpose of  
19 promoting tourism?

20                           ☐ YES                           ☐ NO

21           3. As used in this section, "transient guests" means a person or persons who occupy  
22 a room or rooms in a hotel or motel for thirty-one days or less during any calendar  
23 quarter.

          [Section 1. In pursuance of a notice published in accordance with the  
2 provisions of law, the tenor of which is as follows: Notice is hereby given by the  
3 householders and citizens of Randolph county, Missouri, that a bill will be



4 presented to the thirty third general assembly of the state of Missouri, asking that  
5 two terms of the Randolph county circuit court be held at the city of Moberly, in  
6 said county, with like jurisdiction in all civil and criminal cases arising in said  
7 county or removed to the same by change of venue from any other county and  
8 like concurrent jurisdiction with, and appellate jurisdiction from, and like  
9 superintending control over the probate court, county court, municipal  
10 corporation courts, justices of the peace and all inferior tribunals in said county,  
11 and like power and jurisdiction over all persons, subjects, matters and things as  
12 is or may be provided by law in reference to circuit courts in this state, and for the  
13 repeal of "an act to establish a court of common pleas, and define the jurisdiction  
14 thereof in the city of Moberly, Randolph county, Missouri," approved February  
15 26, 1875, and all acts amendatory thereof. It is hereby provided that the judge of  
16 the Randolph county circuit court shall hold two terms of the circuit court each  
17 year in the city of Moberly in the county of Randolph, at the following times, to  
18 wit: on the first Monday in February and the third Monday in September.]  
19

2 [Sec. 2. The judge of the circuit court in Randolph county shall select a  
3 suitable place for holding said court at the city of Moberly, and for the various  
4 offices herein provided for, and the place so selected by the said judge for the  
5 holding the said courts shall be known and designated as the court house at the  
6 city of Moberly; and cause the same and said offices to be furnished in a proper  
7 manner for said court and its officers and report the rental, cost and expense  
8 thereof to the county court of Randolph county, which shall pay the same as other  
9 claims against said county are paid out of the county treasury, and the judge of  
10 said court may change the place of holding said court in said city of Moberly  
11 when he deems it advisable, to some other place in said city.]

2 [Sec 3. Said court shall have and exercise like powers and jurisdiction in  
3 all civil and criminal causes and proceedings whatsoever arising in said county  
4 or removed to the same by change of venue from any other county, and like  
5 concurrent jurisdiction with, and appellate jurisdiction from, and like  
6 superintending control over the county courts, probate courts, municipal  
7 corporation courts, justices of the peace, and all inferior tribunals in said county;  
8 and like powers, control and jurisdiction over all persons, corporations, subjects,  
9 matters and things as is or may be provided by law with reference to circuit courts  
10 in this state.]

2 [Sec. 4. The circuit clerk of Randolph county shall be clerk of said court  
3 and shall attend the same in person or by deputy, and shall perform such duties  
4 as may be required of him by law, for which he shall receive the same fees as are  
5 provided by law for similar services in like courts.]

2 [Sec. 5. The clerk of said court shall procure and keep a seal to be used  
3 as the seal of said court. He shall also keep an office at the said city of Moberly  
4 and shall appoint a deputy, resident of said city of Moberly, for whose acts he  
5 shall be responsible, and who shall in his absence have the care and management  
6 of all books and papers pertaining to said court, and exercise the powers and  
7 perform all the duties of the office in the absence of his principal.]

2 [Sec. 6. The sheriff of Randolph county shall attend said court in person  
3 or by deputy, and perform such duties as shall be required of him by law. He  
4 shall also keep an office at said city of Moberly and shall appoint a deputy,  
5 resident of said city, who shall keep said office and have the care and  
6 management of the same, and exercise the powers and perform all the duties of  
7 sheriff of said county in the absence of his principal, for whose acts said principal  
8 shall be responsible.]

2 [Sec. 7. The books, stationery, furniture, fuel, light, rent and other  
3 incidental expenses necessary for said court and offices shall be from time to time  
4 supplied and paid for out of the county treasury.]

2 [Sec. 8. All general laws now in force or which may hereafter be enacted,  
3 regulating and governing courts of record, and all laws defining the practice and  
4 proceedings in such courts, are declared to be in force and effect in the court  
5 hereby established.]

2 [Sec. 9. All causes taken by change of venue from any other county to the  
3 circuit court of Randolph county may be transferred and certified into the circuit  
4 court either at the city of Huntsville or at the city of Moberly, in said county,  
5 unless one of said courts be designated in the order of removal, in which case  
6 said cause shall be certified into the court so designated in the order granting the  
7 change of venue.]

2 [Sec. 10. The parties to any suit or proceeding pending in the circuit court  
3 of Randolph county may, by agreement, in writing, signed by the said parties or  
4 their counsel and filed therein, remove the same from the city of Moberly to the  
5 city of Huntsville, or from the city of Huntsville to the city of Moberly, or the  
6 judge of the circuit court of said Randolph county, upon the application of either  
7 party, and upon reasonable notice to the adverse party may, for good cause shown  
8 by affidavit or otherwise, remove any cause as aforesaid from the circuit court at  
9 Moberly to the circuit court at Huntsville, or from the circuit court at Huntsville  
10 to the circuit court at Moberly; and in such case the judge of said court may order  
11 the original papers transferred without the cost of copying the same, and the  
12 cause so transferred and removed shall be proceeded with in every respect as in  
changes of venue from one county to another.]

2 [Sec. 11. All judgments, orders and decrees of said court shall be a lien  
3 upon real estate to the same extent, and shall have like force and effect in every  
4 part of said county as similar judgments, orders, decrees and process of the circuit  
5 court of said Randolph county held at the city of Huntsville, and all real estate  
6 taken in execution by the sheriff of Randolph county under judgments rendered  
7 by the said circuit court at the said city of Moberly on all real estate situated in  
8 said county, and sold in pursuance of the judgment, order or decree thereof, shall  
9 be exposed to sale at the door of the court house at the city of Moberly, in the  
10 same time and manner as is or may be regulated by law.]

2 [Sec. 12. All mechanics' liens upon real estate situate in Randolph  
3 county, and all papers, notices and process necessary to be filed or taken in the  
4 circuit court to obtain, maintain and complete a lien of any kind authorized by  
5 law, upon real estate situate in said county, or upon any personal property, debts,  
6 credits, bonds, notes, assets or effects whatsoever may be filed and taken in the  
7 circuit court at the city of Moberly with like force and effect as if the same had  
8 been filed and taken in the circuit court at Huntsville, in said county. And all  
9 suits and process for the enforcement thereof shall be brought in the court where  
10 filed.]

2 [Sec. 13. All appeals from the county court, probate court, municipal  
3 corporation courts, justices of the peace and all inferior tribunals in said county  
4 of Randolph, may be granted and certified into the circuit court at the city of  
5 Moberly, or the circuit court at the city of Huntsville, in said county, as the one  
6 place or the other shall, in the opinion of the judge or justice granting the appeal,  
7 be most convenient to the parties, unless the parties to the cause, either by  
8 themselves or their attorneys, shall, in writing, filed in said cause, agree as to the  
9 appellate court, in which event the appeal shall be certified into the one of said  
10 courts so agreed upon in the manner provided by law.]

2 [Sec. 14. The secretary of state shall, after the passage of this act, forward  
3 to the clerk of said court, from time to time, all statutes, reports and other books  
4 required by law to be furnished to courts of record, for the use of said circuit  
5 court of the city of Moberly.]

2 [Sec. 15. The dockets now required by law to be kept by the clerk of the  
3 circuit court at the city of Huntsville, of all judgments rendered there, and notices  
4 and liens of every kind filed there shall include and contain all judgments, notices  
5 and liens rendered by and filed in the circuit court at the city of Moberly, and he  
6 shall also keep similar dockets at his office at the city of Moberly, which shall  
7 also include and contain all judgments rendered by and notices filed in the circuit  
8 court at the city of Huntsville.]

2 [Sec. 16. An act entitled, "an act to establish a court of common pleas,  
3 and define the jurisdiction thereof, in the city of Moberly, Randolph county,  
4 Missouri," approved February 26th, 1875, and all acts amendatory thereof, are  
5 hereby repealed. All the records, books, papers and furniture pertaining to the  
6 said court of common pleas are hereby transferred into the said circuit court at  
7 Moberly, together with all suits, process and business of every kind pending  
8 therein, which shall be proceeded with and determined by the said circuit court  
9 in the same manner, and with like effect, as if the same had been begun in said  
10 circuit court; and the clerk of said circuit court shall have the custody and control  
11 of all the books, records, papers, furniture, and other effects appertaining to the  
12 said court of common pleas, which are or may be transferred to the said circuit  
13 court, and be responsible therefor, and perform such duties in relation thereto as  
14 he is required by law to perform in regard to similar things appertaining to his  
15 own office, and he shall, when required, make and certify copies, transcripts and  
16 exemplifications of such books, papers and records, which said copies, transcripts  
17 and exemplifications shall have the same force and effect as if said act had not  
18 been repealed and the same had been made by the clerk of said court of common  
19 pleas, and the said circuit court shall have the same power and control over the  
20 books, papers and records so transferred, including the power to alter or amend  
21 the same in cases allowed by law as it has or may have over its own books,  
22 papers and records.]

2 [Sec. 17. All mechanics' liens and other liens of every kind filed in said  
3 court of common pleas, and all judgments, orders and decrees of the said court  
4 of common pleas remaining unsatisfied, unperformed or unexecuted shall be  
5 enforced by the said circuit court to be held at the said city of Moberly, in the said  
6 manner as if the same had been filed, rendered or made therein; the said circuit  
7 court shall complete the unfinished process of said court of common pleas. The  
8 lien of all such process, judgments and decrees shall continue as if the law  
9 establishing said court of common pleas, and the acts amendatory thereof, were  
10 still in force, and may be revived by the said circuit court, in the manner provided  
11 by law for reviving the lien of judgments and decrees of circuit courts in this  
12 state; and the clerk of said circuit court may, whenever required, issue execution  
13 upon any such judgment or decree in any case authorized by law.]

2 [Sec. 18. All cases which may have been taken by appeal or writ of error  
3 from said court of common pleas to the supreme court, upon the decision of said  
4 supreme court remanding the same, shall be remanded to the said circuit court to  
5 be held at the city of Moberly, and be therein proceeded with as if the same had  
6 been taken from that court, and if any party to any action or proceeding in said  
7 court of common pleas shall, after the passage of this act, desire to sue out a writ  
8 of error therein, said writ shall be directed to the said circuit court held at the said  
city of Moberly and be returnable by the clerk thereof.]

2 [Sec. 19. All writs, rules, process and orders issued or made by the said  
3 court of common pleas and returnable to any term of said court, which would de  
4 held after the day that this act takes effect if the said court continued in existence,  
5 and which shall not have been returned before that day, shall be valid and shall  
6 be returned to the said circuit court at the city of Moberly at such time as they  
7 would respectively have been returnable in said court, and the said circuit court  
8 at Moberly may enforce the return thereof.]

2 [Sec. 20. All writs and other process of every kind issued from the said  
3 court of common pleas, being and remaining unexecuted in the hands of the  
4 sheriff of Randolph county, or any other county, shall be proceeded with and  
5 executed according to law, and shall be returned to the first term of said circuit  
6 court at Moberly, after the taking effect of this act, and all sales of real estate  
7 advertised to be made by said sheriff, and not made before the taking effect of  
8 this act, shall be made at the first term of the said circuit court at the city of  
9 Moberly, to be held after this act takes effect, and the said sheriff shall execute  
10 deeds for the same, acknowledge the same before the said circuit court as  
11 provided by law. In all cases where sales of real estate have been made upon  
12 execution issued from the said court of common pleas, and the deeds therefor  
13 have not been executed, the same shall be executed according to law, and the  
14 acknowledgment taken and certified before the said circuit court at the city of  
15 Moberly.]

2 [Sec. 21. The necessity of securing to the people of said Randolph county  
3 the benefits of this act at as early a day as practicable, by reason of the special  
4 circumstances of said county, creates an emergency in the meaning of the  
5 constitution of this state; therefore, this act shall take effect and be in force from  
6 and after its passage.]

2 Section B. Sections 1 to 11 of an act of the general assembly of the state of Missouri  
3 approved on February 26, 1885, Laws of Missouri, pages 131 and 132 are repealed as follows:

2 [Section 1. In pursuance of notice published in accordance with the  
3 provisions of law, the tenor of which is as follows: Notice is hereby given by the  
4 householders and citizens of Randolph county that a bill will be presented to the  
5 thirty-third general assembly of the state of Missouri, asking that four terms of  
6 the county court of said Randolph county be authorized and required to be held  
7 at the city of Moberly in said county, with like power and jurisdiction co-  
8 extensive with said county as pertains to similar courts of record in this state, and  
9 for the establishment of a place of holding said court, and a county court clerk's  
10 office at the city of Moberly, in said county, and a deputy clerk of said court to  
11 reside in said city of Moberly and be in charge of said office. It is hereby  
12 provided that the judges of the county court of Randolph county, in addition to  
the terms of the county court of said county, required by law to be held at the city

13 of Huntsville, in said county, be and they are hereby authorized, empowered and  
14 required to hold four terms annually of said county court of Randolph county, at  
15 the city of Moberly, in said county, commencing on the second Mondays in  
16 February, May, August and November, and may hold special and adjourned terms  
17 of said county court at said city of Moberly at any time required, with like power  
18 and jurisdiction in all respects co-extensive with said Randolph county as  
19 pertains to county courts in this state.]  
20

2 [Sec. 2. The judges of the county court of Randolph county shall select  
3 a suitable place for holding said court at the city of Moberly, and also an office  
4 for the clerk of said court at said city of Moberly, which, when so selected, shall  
5 be known and designated as the county court room and the county clerk's office  
6 at the city of Moberly, and cause the same to be furnished in a proper manner for  
7 said county court and said county clerk, the rental cost and expense of which  
8 shall be paid as other claims against said county are paid out of the county  
9 treasury.]

2 [Sec. 3. The county clerk of Randolph county shall be clerk of said  
3 county court at Moberly, and shall attend the same in person or by deputy, and  
4 shall perform such duties as may be required of him by law, for which he shall  
5 receive the same fees as are provided by law for similar services in county courts  
6 in this state, and in addition thereto he shall be paid out of the county treasury  
7 three hundred dollars per annum, in quarterly installments, to enable him to  
8 furnish a competent clerk for said office at Moberly as hereinafter provided.]

2 [Sec. 4. The county clerk of said county shall procure and keep a seal, to  
3 be used as the seal of said county court at Moberly. He shall also keep an office  
4 at the said city of Moberly and shall appoint a deputy clerk, resident of said city  
5 of Moberly, for whose acts he shall be responsible, and who shall, in his absence,  
6 have the care and management of all the books and papers pertaining to said  
7 county court at Moberly, and exercise the powers and perform all the duties of  
8 the office of county clerk at said city of Moberly.]

2 [Sec. 5. The sheriff of Randolph county shall attend said court, either in  
3 person or by deputy, and shall perform such duties as are required of him by law,  
4 and for his services he shall receive the fees allowed by law for like services in  
5 similar cases, and all process to him directed from said county court at Moberly  
6 shall be by him returned into said court at Moberly.]

2 [Sec. 6. All the books, papers and records pertaining to matters and  
3 causes of action pending in said county court, and all business transacted in said  
4 county court at the city of Moberly, shall be kept at the county clerk's office  
herein provided for, at the said city of Moberly; and all business begun in said

5 county court at Moberly, shall be proceeded with to final determination therein,  
6 unless removed out of said court according to law; but the parties to any matter  
7 or cause of action pending in said county court at Moberly may, by agreement,  
8 in writing, signed by the parties or their attorneys, and filed in said court, remove  
9 the same into the county court at Huntsville in said county, and parties to any  
10 matter or cause of action pending in the county court at the city of Huntsville, in  
11 said county, may, in like manner, remove the same into the county court at  
12 Moberly, in said county, and said matter or cause of action, when so removed,  
13 shall be proceeded in as if it had originated in said court into which it is so  
14 removed; and in every such case the clerk of the county court may transfer the  
15 original papers on file in said matter or cause, with a certified copy of the record  
16 entries in the same, into said court into which said matter or cause of action has  
17 been so removed, and the record in said cause shall show such removal and  
18 transfer.]  
19

2 [Sec. 7. all sales of real estate sold at public sale in said county of  
3 Randolph in pursuance of the judgments or order of the said county court at  
4 Moberly, shall be exposed to sale at the court house door at the city of Moberly,  
5 in said county, during the session of the said county court, or some other court of  
6 record, at said city of Moberly.]

2 [Sec. 8. Said county court, at the said city of Moberly, in the exercise of  
3 its jurisdiction, shall be governed by the statutes now, or that may hereafter be  
4 enacted, defining and limiting the practice in county courts in this state.]

2 [Sec. 9. The books, stationery, furniture, fuel, lights, rent and other  
3 incidental expenses necessary for said court and clerk's office shall be, from time  
4 to time, supplied and paid for out the county treasury of Randolph county.]

2 [Sec. 10. The secretary of state shall, after the passage of this act, forward  
3 to the clerk of said county court at the city of Moberly, from time to time, all  
4 statutes, reports and other books required by law to be furnished to similar courts  
5 of record for the use of said county court at the said city of Moberly.]

2 [Sec. 11. The necessity of securing to the people of said Randolph county  
3 the benefits of this act at as early a day as practicable, by reason of the special  
4 circumstances of said county, creates an emergency in the meaning of the  
5 constitution of this state; therefore, this act shall take effect and be in force from  
6 and after its passage.]

2 Section C. Sections 1 to 10 of an act of the general assembly of the state of Missouri  
3 approved on February 26, 1885, Laws of Missouri, pages 134 and 135 are repealed as follows:

2 [Section 1. In pursuance of notice published in accordance with the  
3 provisions of law, the tenor of which is as follows: Notice is hereby given by the  
4 householders and citizens of Randolph county, that a bill will be presented to the  
5 thirty-third general assembly of the state of Missouri, asking that four terms of  
6 the probate court of Randolph county be held at the city of Moberly, in said  
7 county, with like power and jurisdiction co-extensive with said county as pertain  
8 to similar courts of record in this state, and for the establishment of a probate  
9 office at said city of Moberly and the appointment of a separate clerk, to reside  
10 in said city and be in charge of said office. It is hereby provided that the judge  
11 of probate in said Randolph county, in addition to the terms of the probate court  
12 required by law to be held at the city of Huntsville, in said county, be and he is  
13 hereby authorized, empowered and required to hold four terms annually of said  
14 probate court at the city of Moberly, in said county, commencing on the first  
15 Monday in February, May, August and November, and may hold special and  
16 adjourned terms of said court at said city of Moberly at any time required, with  
17 like power and jurisdiction co-extensive with said Randolph county in all matters  
18 as pertain to similar courts of record in this state.]

2 [Sec. 2. The judge of probate of said Randolph county shall have and  
3 keep, at the said city of Moberly, an office for the transaction of the business of  
4 said court and the keeping of the records thereof, to be selected by himself, and  
5 which, when so selected, shall be known and designated as the probate office at  
6 the city of Moberly. He shall also appoint a separate clerk, resident of said city  
7 of Moberly, for whose acts he shall be responsible, who shall qualify according  
8 to law and have charge of said probate office at Moberly, and in the absence of  
9 said judge of probate shall have the custody and control of the books, records,  
10 papers and furniture pertaining to said office, and shall discharge all the duties  
11 of clerk according to law, and have power and authority to do and perform all  
12 acts and duties in vacation, which the judge of said court is or may be authorized  
13 to perform in vacation, subject to the confirmation or rejection of said probate  
14 court at Moberly at the next regular term thereafter.]

2 [Sec. 3. The judge of probate of said court shall procure and keep a seal,  
3 to be used as the seal of said probate court at Moberly, the expense of which,  
4 together with the necessary expense incurred by said probate court for books,  
5 stationery, furniture, fuel, light, rent and other necessities, shall be paid by the  
6 said Randolph county.]

2 [Sec. 4. All the books, papers and records pertaining to matters and  
3 causes of action pending in said court, and all business transacted in said probate  
4 court at Moberly, shall be kept at the office herein provided for at the said city of  
5 Moberly; and all business begun in said court at Moberly shall be proceeded with  
to final determination therein, unless removed out of said court according to law.



6 But the parties to any matter or cause of action pending in said probate court at  
7 Moberly may, by agreement, in writing, signed by said parties or their attorneys,  
8 and filed in said court by order of said court, remove the same into the probate  
9 court at Huntsville, in said county; and parties to any matter or cause of action  
10 pending in the probate court at Huntsville, in said county, may, in like manner,  
11 remove the same into the probate court at Moberly, in said county, and said  
12 matter or cause of action, when so removed, shall proceed in as if it had  
13 originated in said court into which it is removed; and in every such case the judge  
14 of probate may transfer the original papers of file in said matter or cause of action  
15 into said court into which said matter or cause of action has been so removed, and  
16 his record in said case shall show such removal and transfer.]  
17

2 [Sec. 5. The sheriff of Randolph county, either in person or by deputy,  
3 shall attend said court and shall perform such duties as are enjoined upon him by  
4 law, and for his services shall receive the fees allowed by law for like services in  
5 similar cases, and all process to him directed from the said probate court at  
6 Moberly, shall be by him returned into said court at Moberly.]

2 [Sec. 6. The said judge of probate shall receive for his services as judge  
3 of said probate court at Moberly, in said Randolph county, the fees allowed by  
4 law for like services in similar cases, and in addition thereto an annual salary of  
5 five hundred dollars, to be paid in quarterly installments, out of the treasury of  
6 said Randolph county, to enable him to employ the separate clerk at the said  
7 office at Moberly, herein required and provided for.]

2 [Sec. 7. All real estate sold at public sale in said Randolph county, in  
3 pursuance of the judgment, order [or] decree of said probate court at Moberly,  
4 shall be exposed to sale at the court house door at the city of Moberly, in said  
5 county, during the session of said probate, or some other court of record in said  
6 city of Moberly.]

2 [Sec. 8. Said probate court at the said city of Moberly, in the exercise of  
3 its jurisdiction, shall be governed by the statutes in relation to administration, to  
4 guardians and curators of minors and persons of unsound mind, to apprentices  
5 and to such laws as may be enacted defining and limiting the practice in such  
6 courts in this state.]

2 [Sec. 9. The secretary of state shall, after the passage of this act, forward  
3 to the clerk of said probate court at Moberly, from time to time, all statutes,  
4 reports and other books required by law to be furnished to similar courts of  
5 record, for the use of said court at the said city of Moberly.]

2           [Sec. 10. The necessity of securing to the people of said Randolph county  
3           the benefits of this act at as early a day as practicable by reason of the special  
4           circumstances of said county, creates an emergency in the meaning of the  
5           constitution of this state; therefore, this act shall take effect and be in force from  
          and after its passage.]

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